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Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
DAVID GARCIA,  
  
Defendant.

CASE NO. 1:22-CR-00308-ADA-BAM

STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
ORDER

CURRENT DATE: February 26, 2024  
COURT: Hon. Troy Nunley

**STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and DAVID GARCIA,  
by and through defendant's counsel of record, Robert Lamanuzzi, hereby stipulate as follows:

1. By previous order, this matter was set for a change of plea on February 26, 2024.
2. By this stipulation, defendant now moves to continue the change of plea hearing to April 8, 2024, and to exclude time between February 26, 2024, and April 8, 2024, under 18 U.S.C. § 3161(h)(7)(A), B(iv).
3. Defense counsel has reviewed the plea agreement. He also provided the plea agreement to the defendant. However, the defendant has questions regarding the plea agreement that defense counsel believes necessitate at least a video meeting. Given defendant's custody and steps that need to be taken to accomplish such a meeting, defense requests a short continuance to answer the defendant's questions and finalize the agreement.

1 a) The government asserts the discovery in this matter has been provided to counsel.  
2 The government is aware of its ongoing discovery obligations.

3 b) The government provided a plea offer on June 8, 2023.

4 c) Defendant was housed in Kern County at Lerdo.

5 d) Defendant was recently transferred to a private facility, Central Valley Annex  
6 (CVA), in McFarland, CA.

7 e) Defense counsel has not received the signed plea agreement back from his client  
8 as of this date.

9 f) Defense Counsel has consulted with the Defendant via phone regarding various  
10 questions defendant has regarding the proposed plea.

11 g) Defendant has requested a video conference with defense counsel.

12 h) Defense counsel believes that a video conference is necessary to adequately  
13 answer the remaining questions the defendant has.

14 i) Defense counsel needs additional time to consult with his client to ensure his  
15 client has no other questions before entering is plea.

16 j) Counsel for defendant believes that failure to grant the above-requested  
17 continuance would deny them the reasonable time necessary for effective preparation, taking into  
18 account the exercise of due diligence.

19 k) The government does not object to the date.

20 l) Based on the above-stated findings, the ends of justice served by continuing the  
21 case as requested outweigh the interest of the public and the defendant in a trial within the  
22 original date prescribed by the Speedy Trial Act.

23 m) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
24 et seq., within which trial must commence, the time period of February 26, 2024 to April 8, 2024,  
25 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv), because it results  
26 from a continuance granted by the Court at defendant's request on the basis of the Court's  
27 finding that the ends of justice served by taking such action outweigh the best interest of the  
28 public and the defendant in a speedy trial.

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: February 21, 2024

PHILLIP A. TALBERT  
United States Attorney

/s/ KIMBERLY A. SANCHEZ  
KIMBERLY A. SANCHEZ  
Assistant United States Attorney

Dated: February 21, 2024

/s/ Robert Lamanuzzi  
Robert Lamanuzzi  
Counsel for Defendant

**ORDER**

IT IS SO ORDERED that the change of plea hearing is continued from February 26, 2024, to **April 8, 2024, at 8:30 a.m. in Courtroom 5 before the District Court Judge**. Time is excluded pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).

IT IS SO ORDERED.

Dated: **February 22, 2024**

/s/ *Barbara A. McAuliffe*  
UNITED STATES MAGISTRATE JUDGE